

USA-153 Consent to Transfer of Case for Plea and Sentence (Under Rule 20)

In the United States District Court

for the EASTERN DISTRICT OF NEW YORKUNITED STATES OF AMERICA

V.

DANIEL CAPALDO

CRIMINAL NUMBER: 11 CR 1001 (AM)

FILED
CLERK
2012 SEP 19 AM 11:10
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

Consent to Transfer of Case for Plea
and Sentence
(Under Rule 20)

I, Daniel Capaldo, defendant, have been informed that an (*indictment, information, complaint*) is pending against me in the above designated cause. I wish to plead guilty to the offense charged, to consent to the disposition of the case in the Southern District of New York in which I, Daniel Capaldo, (~~am under arrest~~, am held) and to waive trial in the above captioned District.

Dated: September 19 20 11 at 10:30 AM

Daniel Capaldo
(Defendant)

Richard M. Tucker
(Witness)

Vincent J. Romano
(Counsel for Defendants)

Allon Lifshitz
(Assistant United States Attorney)

Approved

Loretta E. Lynch
Loretta E. Lynch

United States Attorney for the

EasternDistrict ofNew York

Preet Bharara
Preet Bharara

United States Attorney for the

SouthernDistrict ofNew York

(As per)

U.S. Department of Justice

Rule 20 -- Transfer Notice

To: John T. Zach Assistant United States Attorney	District Southern District of New York	Date
Name of Subject: Daniel Capaldo	Statute Violated 18 U.S.C. § 893	File Data (Initials and Number) 09 CR 1149 (PGG) (SDNY) 11 CR 30 (KAM) (EDNY)

Part A -- District of Arrest

- ☐ The above-named subject has been apprehended in this jurisdiction and indicates amenability to Rule 20 disposition of the charges pending against him in your court. Kindly indicate whether you are agreeable to Rule 20 disposition and forward two certified copies of indictment or information if any.
- ☐ Enclosed is a certified copy of waiver of indictment by defendant. Kindly file criminal information and forward two certified copies thereof.
- ☐ Enclosed is Consent to Transfer form executed in duplicate (one copy for your files) by defendant and the United States Attorney in the district of arrest. Kindly add your consent and have the Clerk of your district transmit the papers in the proceeding or certified copies thereof to the Clerk of the Court in this district in accordance with the Rule Docket No.
- ☒ Other (Specify): Defendant pled guilty in U.S. v. Capaldo, 09 CR 1149 (PGG) (S.D.N.Y.) and is awaiting sentencing. He intends to plead guilty in U.S. v. Russo, 11 CR 30 (KAM) (E.D.N.Y.), and seeks to have the charges in Russo transferred to the Southern District of New York for sentencing.
- ☐ The above-named defendant entered a plea of guilty under Rule 20.
- Date of Plea Date of Sentence Sentence

From (Signature and Title) Allon Lifshitz Assistant United States Attorney	Address U.S. Attorney's Office Eastern District of New York 271 Cadman Plaza East Brooklyn, NY 11201
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Part B -- District of Offense

- ☒ I am agreeable to Rule 20 disposition.
- ☐ I am not agreeable to Rule 20 disposition. Defendant's appearance is desired at _____ on _____ at _____ o'clock
- (Kindly notify me of any anticipated delay)
- ☐ Enclosed are two certified copies of indictment or information Docket No. _____
- ☐ Please have defendant execute waiver of indictment.
- ☐ Other (Specify):

Signature (Name and Title) John T. Zach Assistant United States Attorney	District Southern District of New York	Date 7/28/11
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See United States Attorneys Manual 9-14.000 for an explanation of procedures under Rules 7 & 20, Federal Rules of Criminal Procedure.
Replaces OBD-101, Fed. 83 edition may be used